



Kreisler 1094-KGB
010293us/JH/ml

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Prof. Dr. Gert HOBOM
SERIAL NO. : 10/073,377
FILED : February 8, 2002
FOR : INFLUENZA VIRUSES WITH ENHANCED
TRANSCRIPTIONAL AND REPLICATIONAL
CAPACITIES
ART UNIT : To Be Assigned
EXAMINER : To Be Assigned

COPY OF PAPERS
ORIGINALLY FILED

May 14, 2002

Hon. Commissioner for Patents
Washington, D.C. 20231

**COMMUNICATION RE: FILING OF DECLARATION ON
A DATE LATER THAN THE FILING DATE OF THE APPLICATION**

Sir:

This is in response to the Notice to File Missing Parts of Application under 37 CFR 1.53(b) dated March 14, 2002, in the above-identified application. A copy of said Notice is attached hereto.

It is requested that the papers submitted herewith be joined up with the papers previously filed in this Application.

Applicant is:

- a small entity
 other than a small entity

PROF. DR. GERT HOBOM, ET AL
USSN 10/073,577

It is requested that the surcharge for the filing of the Declaration be charged to the undersigned's Deposit Account No. 14-1263.

Please charge.

- \$ 65.00 for small entity
 \$130.00 for other than small entity.

An extra copy of this communication is appended hereto for accounting purposes.

CONDITIONAL PETITION FOR EXTENSION OF TIME

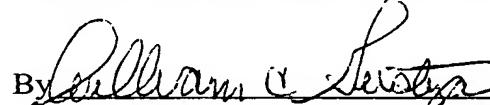
If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS McLAUGHLIN & MARCUS, P.A.

By 
William C. Gerstenzang, Reg. No. 27,552

For Kurt G. Briscoe, Reg. No. 33,141

/ja

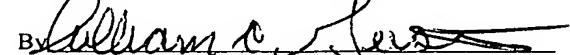
Enc. - Combined Declaration and Power of Attorney
- Copy of Notice of Missing Parts

220 East 42nd Street -30th Floor
New York, New York 10017
Tel.: (212) 808-0700
Fax: (212) 808-0844

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231 on May 14, 2002.

NORRIS McLAUGHLIN & MARCUS, P.A.

By 



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MP

PTO/SB/21 (12-97)

Please type a plus sign (+) inside this box

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TRANSMITTAL FORM

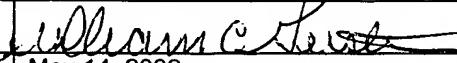
(To be used for all correspondence after initial filing)

TRANSMITTAL FORM		Application Number	10/073,377
		Filing Date	February 8, 2002
		First Named Inventor	Prof. Dr. Gert HOBOM et al
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	
		100727-14 / Kreisler 1094-KGB	

ENCLOSURES (check all that apply)

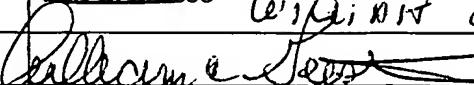
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> To convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) -(please identify below): - Combination Declaration and Power of Attorney - Copy of Notice to File Missing Parts
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William C. Gerstenzang, Reg. No. 27,552 For Kurt G. Briscoe, Esq., Reg. No. 33,141 NORRIS McLAUGHLIN & MARCUS, P.A.	
Signature		
Date	May 14, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: May 14, 2002

Typed or printed name	Kurt G. Briscoe <i>Kurt G. Briscoe</i>	
Signature		
	Date	May 14, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.

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PTO/SB/17 (11-01)

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Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$65.00

Complete if known:

Application Number	10/073,377
Filing Date	February 8, 2002
First Named Inventor	Gert HOBOM et al
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	100725-14 / Kreisler 1094-KGB

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Account:

Deposit Account Number **14-1263**

Deposit Account Name **Norris McLaughlin & Marcus**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any ove:payments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					

2. EXTRA CLAIM FEES FOR UTILITY AND DESIGN PATENTS

Extra Claims		Fee from belc	Fee Paid
Total Claims	-20** =	0	X = 0.00
Independent Claims	- 3** =	0	X = 0.06
Multiple Dependent			=

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination or a design application	
Other fee (specify)					

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

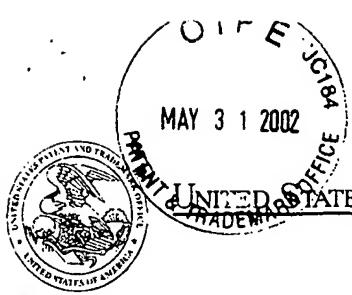
SUBTOTAL (3) **\$65.00**

SUBMITTED BY

Name (Print/Type)	William C. Gersleng	Registration No. (Attorney/Agent)	27,552	Telephone	(212) 808-0700
Signature			Date	May 14, 2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

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MAY 31 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/073,377	02/08/2002	Gert Hobom	Kreisler 1094-KGB

CONFIRMATION NO. 5110

27384
KURT BRISCOE
NORRIS, MC LAUGHLIN & MARCUS, P.A.
220 EAST 42ND STREET, 30TH FLOOR
NEW YORK, NY 10017

FORMALITIES LETTER



OC000000007642392

Date Mailed: 03/14/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing item identified in this letter.
- **The balance due by applicant is \$ 65.**

A copy of this notice MUST be returned with the reply.

Y. G.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE